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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-191150

DATE: March 29, 1978

MATTER OF: Novelty Garbage Cans Distributed by
Environmental Protection Agency

DIGEST: Novelty plastic garbage cans containing candy in the shape of solid waste were distributed at an exposition run by an association, to attract attendees to the Environmental Protection Agency exhibit on the Resource Conservation and Recovery Act. An expenditure therefor does not constitute a necessary and proper use of EPA's appropriated funds because these items are in the nature of personal gifts. See, among others, 54 Comp. Gen. 976 (1975); 53 Comp. Gen. 70 (1974).

A certifying officer of the Environmental Protection Agency (EPA) has requested our opinion as to the propriety of certifying for payment a voucher in favor of Lewis C. Weisbradt, Inc., in the sum of \$120, covering the cost of 1,152 plastic novelty garbage cans. The garbage cans were filled with pieces of candy representing items of solid waste such as tin cans, shoes, and tires, and were distributed at an EPA exhibit during the International Waste Equipment and Technology Exposition, sponsored by the National Solid Waste Management Association in New Orleans, Louisiana. These novelty garbage cans were used to help attract attention to EPA's exhibit where information on solid waste management was disseminated to attendees at the conference. The publications officer of EPA's Office of Solid Waste (OSW) explained the purchase of these miniature cans as follows:

"The plastic garbage cans containing candy in the shape of household trash were given out to attendees of the recent National Solid Waste Management Association meetings in New Orleans, not as gifts. They were certainly too insignificant to qualify as gifts, however, the little cans certainly did attract convention attendees to our exhibit where the attendees then had an opportunity to learn about the provisions of the new Resource Conservation and Recovery Act, to receive copies of the Federal Register indicating the first steps OSW is taking to implement the Act, and to see samples of many OSW publications. The little garbage

cans were definitely part of our exhibit promoting Solid Waste Management."

The solid waste activities of EPA are carried out under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, Pub. L. No. 94-580, 90 Stat. 2795, 42 U.S.C. §§ 6901 et seq. (1976). The strategy for dealing with the solid waste management problem focuses on (1) achieving acceptable and safe waste management practices protective of public health and the environment and (2) conserving natural resources through the institution of resource recovery programs. The act, as amended, recognizes the necessity for full Federal action through financial and technical assistance and leadership. To implement this strategy, EPA provides technical assistance to State and local Governments to help them find solutions to solid waste management problems, issues guidelines and recommended procedures, and undertakes demonstrations of advanced technology. See H.R. Rep. No. 94-1220, 94th Cong., 2nd Sess. 19 (1976).

The appropriation (Pub. L. No. 94-378, August 9, 1976, 90 Stat. 1099), that would be charged with payment for these items does not specifically provide for the distribution of personal gifts or novelty items to individuals. In order to qualify, therefore, as a proper expenditure, it must be demonstrated that the acquisition and distribution of such items constituted a necessary expense of the EPA. See 55 Comp. Gen. 346 (1975).

We have previously held that an expenditure by the Small Business Administration (SBA) for the distribution of decorative ashtrays to Federal officials at the SBA-sponsored conference was unauthorized. The ashtrays were distributed with the intent that the SBA seal and lettering on the ashtrays would generate conversation relative to the conference and serve as a continuing reminder to the officials of the purposes of the conference, thereby furthering SBA objectives. We held that those items were in the nature of personal gifts, and therefore, the expenditure did not constitute a necessary and proper use of appropriated funds. 53 Comp. Gen. 770 (1974). Similarly, we have held that appropriated funds could not be used to purchase and distribute cuff links and bracelets as promotional items under the International Travel Act of 1961. Such items also belong in the category of personal gifts, we said, and did not constitute a necessary and

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proper use of funds appropriated to carry out that act. B-151680, December 5, 1963. In another case, we held that a voucher covering the cost of decorative key chains given to educators attending Forest Service-sponsored seminars, with the intent that the symbol on the key chains would generate future responses from participants, may not be certified for payment since such items are in the nature of personal gifts. 54 Comp. Gen. 976 (1975).

It is difficult to distinguish the novelty garbage cans here involved from decorative ashtrays, cuff links, or key chains, all of which were termed "personal gifts" in our previous cases. Even the EPA publications officer does not contend that the little garbage cans were themselves communicating information about solid waste disposal problems. While we do not doubt her statement that the free candy novelties induced a great many people to visit the EPA booth, there is nothing to show that without the distribution of the novelties, the EPA would have been unable to reach its intended audience and disseminate its informational brochures.

Our Office has long held that appropriated funds may be used for objects not specifically set forth in an appropriation act only if there is a direct connection between such objects and the purpose for which the appropriation was made, and if the object is essential to the carrying out of such purposes. 27 Comp. Gen. 679, 681 (1948); 55 *id.* 346, 347 (1975). In this case, as in the other situations described above, no such direct connection between the novelties and the agency's mission has been demonstrated. We therefore cannot approve the use of appropriated funds for the procurement of novelty garbage cans. Accordingly, the voucher covering this expenditure may not be certified for payment.


Deputy Comptroller General
of the United States